



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF MAILING**

Inventor(s): William Sobonya  
 Application No.: 10/736,404  
 Confirmation No.: 6236  
 Filed: December 15, 2003  
 Examiner: Ruddock, Ula Corinna  
 Art Unit: 1771  
 Last Office Action: December 8, 2005  
 Title: **EMBOSSSED FILM WITH  
ADHESIVE OR WITHOUT ADHESIVE OR  
LAMINATED TO BOTTOM NON-SLIP SURFACE  
TO SIMULATE METAL TEXTURES FOR LINING  
SHELVES AND DRAWERS**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 23, 2006.

*May 3, 2006*

(Date of deposit)

Kathleen A. Nimrichter

*Kathleen A. Nimrichter*

(Signature)

*May 3, 2006*

Date of Signature

MAIL STOP AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR  
1.132**

Dear Sir:

The undersigned declares as follows:

1. My name is William Sobonya. I am currently the National Account Team Leader of Henkel Consumer Adhesives (Henkel). I have been the National Account Team Leader of Henkel since 2003.
2. I am the inventor of the invention described in the above-captioned patent application and am familiar with it.
3. I am familiar with the marketplace for shelf and drawer linings and have been familiar with it for the past 8 years.
4. Henkel began selling shelf and drawer linings in 1994 in the United States. These early shelf and drawer linings did not include the combination of

features including either a non-slip bottom surface or an adhesive bottom surface covered by a removable covering, a vinyl film having a color finish resembling a metal adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film.

5. These early shelf and drawer linings had the following unit sales and gross receipts for the years given in the following table:

Year	Gross Shipments	Units Shipped
YTD thru Sept. 1996	\$15,643,226	
YTD thru Sept. 1997	\$15,978,175	
1998	\$24,505,918	9,233,646
1999	\$34,011,152	12,158,050
2000	\$39,461,932	13,128,110
2001	\$39,313,047	13,683,468
2002	\$44,268,857	14,550,134
2003	\$47,853,360	14,842,469
2004	\$49,748,424	16,690,219
2005	\$50,277,475	17,740,993

6. Prior to about 1994, available coverings or liners were often adhesive sheets which were adhered with a pressure sensitive adhesive directly to the surface to be covered. These liner products were generally offered in roll form and had to be cut to proper size to fit the dimensions of the surface. Other shelf liners consisted of paper or vinyl sheets without adhesive. Among the problems of cover or liner products that do not include an adhesive backing or non slip bottom is that the cover or liner shifts and lifts from the surface of the article to be covered while items stored on the surface are positioned or removed from the surface. Decorative coverings and liners also suffered from the absence of a protective polypropylene layer covering the decorative finish.

7. To the best of my knowledge, prior to about 2002, coverings or

liners including a non-slip bottom surface, a vinyl film having a color finish resembling a metal adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film were not known in the United States.

8. To the best of my knowledge, prior to about 2002, coverings or liners including an adhesive bottom surface covered by a removable covering, a vinyl film having a color finish resembling a metal adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film were not known in the United States.

9. On or about 2003, Henkel began selling simulated metal shelf coverings and liners including either a non-slip bottom surface or an adhesive bottom surface covered by a removable covering, a vinyl film having a color finish resembling a metal adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film in the United States. They differed from previous coverings and liners based on the listed combination of features.

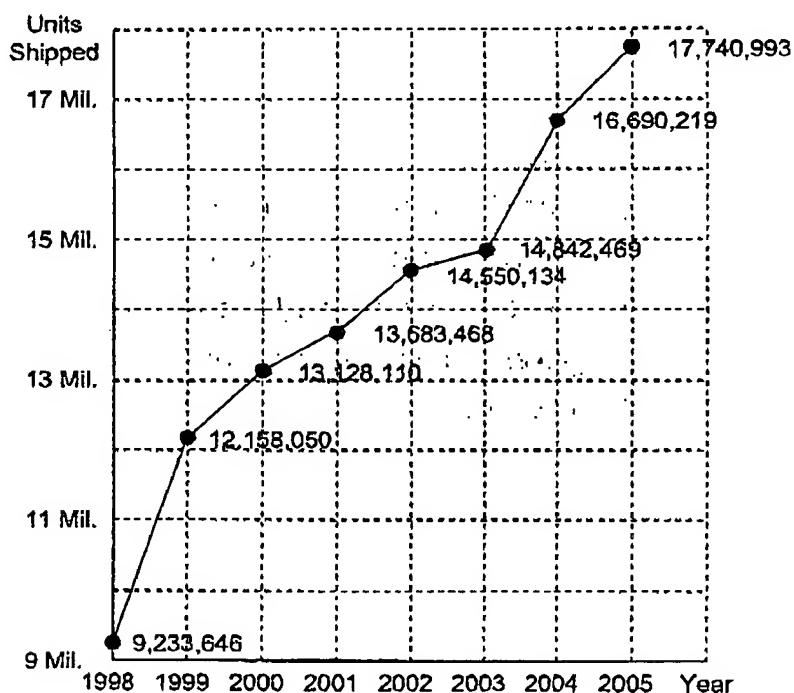
10. The above-described simulated metal shelf coverings and liners including either a non-slip bottom surface or an adhesive bottom surface covered by a removable covering, a vinyl film having a color finish resembling a metal adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film were an immediate success and had the following unit sales and gross receipts for the years given in the following table:

Year	Gross Shipments	Units Shipped
2003	\$208,983	55,174
2004	\$376,691	118,523
2005	\$389,987	123,347

11. No extensive advertising was conducted on the simulated metal shelf coverings and liners. The products were described in Henkel's catalog, on Henkel's website, and at professional meetings. The products were described in point of sale materials and, possibly, in retailer advertisements. Henkel did not place print, television or other consumer directed advertising for these products.

12. In my opinion, the commercial success of the simulated metal shelf coverings and liners is due solely to their attractive appearance, durability, and ease of use. Potential users of these shelf liners, upon being exposed to them at retail locations, immediately realize that the combination of features described above address their need for an improved shelf liner.

13. The commercial success of the simulated metal shelf coverings and liners introduced on or about 2003 contributed to a significant rise in total liner units shipped as evidenced by the tables above and the graph of total liner units shipped shown below.



14. The commercial success of the simulated metal shelf coverings and liners and the long-felt but unmet need for such coverings and liners attest to the non-obviousness of the subject matter disclosed in the above-captioned application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By C. M. Sobonya

Printed Name: Bill Sobonya

Date: 2/27/06